

Reconstruction of the Ideal Position of the Corruption Eradication Commission in the Indonesian State System Based on Justice Values

Ahmad Baidowi^{1*}, Gunarto², Muhammad Junaidi²

¹Doctorate Student of Faculty of Law Sultan Agung Islamic University Semarang, Indonesia

²Faculty of Law Sultan Agung Islamic University Semarang, Indonesia

DOI: [10.36348/sijlcrj.2023.v06i02.004](https://doi.org/10.36348/sijlcrj.2023.v06i02.004)

| Received: 30.12.2023 | Accepted: 07.02.2023 | Published: 12.02.2023

*Corresponding author: Ahmad Baidowi

Doctorate Student of Faculty of Law Sultan Agung Islamic University Semarang, Indonesia

Abstract

This study aims to identify and analyze the construction of the position of the Corruption Eradication Commission in the current state administration system, find the weaknesses and position of the Corruption Eradication Commission in the current state administration system, and find answers to the efforts that should be made in the future to ideally reconstruct the position of the Corruption Eradication Commission—based on Pancasila. The approach method used is socio-legal research which is a study that "integrates" doctrinal legal studies with social studies. The results of this study were obtained and it was concluded that: (1) The position of the Corruption Eradication Commission legally is a state institution of the executive family which has implications if the Corruption Eradication Commission can be made the object of the Right of Inquiry by the People's Representative Council of the Republic of Indonesia and the position of the Supervisory Board which is one of its powers increasingly giving a new color, which includes the permit process for Wiretapping, searches, and confiscation, which is mandatory for the Corruption Eradication Commission to the Supervisory Board which will have implications for the problem of intervention, certain political interests towards the Corruption Eradication Commission that enter through the Supervisory Board. (2) Reconstruction of the ideal position of the Corruption Eradication Commission in a constitutional system based on Pancasila values of justice is the Corruption Eradication Commission as a unique agency carrying out the functions of judicial power in the field of prevention and prosecution of criminal acts of corruption that are free, independent and may not receive interference from the executive or legislature in carrying out its position. By the values of Pancasila, namely social justice for all Indonesian people, where the relevance is that the Corruption Eradication Commission's power as a law enforcer must be positioned by efforts to achieve justice with the support of the Corruption Eradication Commission's ideal position in the constitutional system. To strengthen the reconstruction of values, the legal reconstruction should ideally be carried out by amending several articles, namely Article 3, Article 21, Article 30, and Article 37B paragraph 1 b, in Law Number 19 of 2019 concerning the Corruption Eradication Commission. So that the position of the Corruption Eradication Commission is no longer under the auspices of the executive but at the judiciary which is independent and independent.

Keywords: Position, Corruption Eradication Commission, Independence, Pancasila.

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INTRODUCTION

The 1945 Constitution of the Republic of Indonesia explains Indonesia's strategic position and role as a country that has a form and sovereignty characterized by a rule of law. The ideals of a rule of law are directed at the principles and objectives of the welfare of society in general, not just the desire to implement written rules that have been mutually agreed upon. The Welfare State, in general, can be easily identified by referring to the opening of the 1945 Constitution of the Republic of Indonesia.

In realizing the Welfare State, we recognize the teachings of *trias politica* as the basic foundation for running the State. *trias politica* is the idea that a sovereign government should be divided between two or more independent strong units, preventing one person or group from gaining too much power. Separation of powers is a way of separation within the body of government so that there is no abuse of power, between the legislature, executive, and judiciary.

One of the state institutions whose authority is still being debated in the theory of separation of powers is the Corruption Eradication Commission (KPK). The Corruption Eradication Commission as a state

institution has a strategic role in terms of upholding the law against corruption. However, in practice, the Corruption Eradication Commission has not shown significant results in carrying out its role so far.

The Corruption Eradication Commission is a state institution in the executive power cluster that in carrying out its duties and authorities is independent and free from the influence of any power (Suyanto, 2018).

Corruption can be found in all elements of the state starting from the executive, legislative and judicial branches. Based on the handling of corruption cases committed by the corruption Eradication Commission (Komisi Pemberantasan Korupsi/KPK) in 2018, there were 23 cases of corruption committed by the legislature, 22 cases of corruption committed by executives, and 4 cases of corruption committed by law enforcement officials. This shows that corruption is very common in all aspects of Indonesia ("TPK Berdasarkan Instansi," 2018). Even law enforcement officials who are supposed to be the spearhead in handling corruption also commit these crimes (Mulyati & Zurnetti, 2022).

One thing that needs to be emphasized related to the position of the Corruption Eradication Commission is that the formulation in Article 3 of Law No. 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission does not provide for the possibility of any other interpretation other than what is formulated in the provisions of the article, namely the independence and freedom of the Corruption Eradication Commission from the influence of power anywhere in carrying out their duties and authorities (Sadono, *et al.*, 2020).

Independence and freedom from the influence of any power in carrying out the duties and powers of the Corruption Eradication Commission also need to be emphasized so that there are no doubts in the members of the Corruption Eradication Commission, as previously described, and article 20 paragraph (1) which states: "The Corruption Eradication Commission is responsible to the public for carry out their duties and submit their reports openly and periodically to the President of the Republic of Indonesia, the People's Representative Council of the Republic of Indonesia, and the Supreme Audit Agency (Indraputra, 2014).

Regarding the independence of the Corruption Eradication Commission, the Constitutional Court explained in Artal 3 of the Law on the Corruption Eradication Commission which reads: The Corruption Eradication Commission is a state institution which in carrying out its duties and authorities is independent and free from the influence of any power. This article is considered not to have multiple interpretations and is

appropriate. The formulation in Article 3 of the Corruption Eradication Commission Law itself does not provide the possibility of any other interpretation other than what is formulated in the provisions of the article in question, namely that the independence and freedom of the Corruption Eradication Commission from the influence of any power are in carrying out its duties and authorities. There is no constitutionality issue in the formulation of the Article 3 of the Corruption Eradication Commission Law (Nada, 2022).

If we trace it from the perspective of our constitution, the position of the Corruption Eradication Commission in the 1945 Constitution of the Republic of Indonesia is not explained at all. It's just that in the provisions of the 1945 Constitution of the Republic of Indonesia the results of the 4th (fourth) amendment to Chapter IX Judicial Power Article 24 paragraphs (2) and (3) are explained as follows:

- (2) Judicial power is exercised by a Supreme Court and judicial bodies under it within the General Courts, Religious Courts, Military Courts, State Administrative Courts, and a Constitutional Court.
- (3) Other bodies whose functions are related to judicial power are regulated by law. To describe the mandate of the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 concerning Judicial Powers was made, Article 38 explains that: (1) Apart from the Supreme Court and the judicial bodies under it and the Constitutional Court, there are other bodies which function is related to the power of the judiciary.
- (2) Functions related to judicial power as referred to in paragraph (1) include a. inquiries and investigations; b. prosecution; c. implementation of the decision; d. provision of legal services; and e. settlement of disputes outside the court.
- (3) Provisions regarding other bodies whose functions are related to judicial power are regulated in law.

In its explanation, Law Number 48 of 2009 concerning Judicial Power defines the term "other agencies" in Article 38 Paragraph (1) stating that among others the police, the Attorney General's Office, advocates, and correctional institutions and the corruption eradication commission are among them. According to Law Number 30 of 2002, the Corruption Eradication Commission as a strong corruption eradication institution is not outside the constitutional system but is placed juridically within the constitutional system because the pillars of Indonesian law enforcement are under the jurisdiction of the judiciary regarding the processes and stages in the judiciary and part of the principle of checks and balances between the executive and judicial powers. There has been a change in the position and role of the Corruption Eradication Commission in the Indonesian state administration structure according to Law Number 19 of 2019 concerning the Corruption Eradication Commission

Article 3, the Corruption Eradication Commission, hereinafter referred to as the Corruption Eradication Commission, is a state institution within the executive power cluster that carries out the task of preventing and eradication of Corruption by the Act. According to its function, the position of the Corruption Eradication Commission is equated with the Police and the Attorney General's Office where the Police and the Attorney General's Office are included in the executive group. The Corruption Eradication Commission is also still independent and free from any authority. In this provision what is meant by "any power" is the power that can influence the duties and powers of the Corruption Eradication Commission or commission members individually from the executive, judiciary, legislature, and other parties related to corruption cases, or circumstances and situations or for any reason.

A fortifier, according to Bruce Ackerman expressly said, the birth of an independent state commission was a form of rejection of the United States model of separation (Vide *et al.*, 2016). Ackerman's argument seems to emphasize the logical background of the birth of an independent state commission is a consequence of the transition to democracy that has occurred in several parts of the world. The birth of these state commissions, both independent and limited to the executive branch, is once again a form of the inability of the *trias politica* idea to stop the authoritarian regime that had emerged (Indrayana, 2016) case, corrupt behavior in a country.

The Corruption Eradication Commission in Article 3 of Law Number 30 of 2002 is clearly placed in an independent institution, as well as in the four decisions of the Constitutional Court namely 012-016-019/PUU-IV/2006. 19/PUU-V/2007. 37-39/PUU[1]VIII/2010. 5/PUU-IX/2011 which also places the Corruption Eradication Commission as an independent state institution. The presence of anti-corruption agencies in Indonesia is not running smoothly, fighting evil conspiracies between corruptors, politicians, and state administrators. According to the records of Indonesia Corruption Watch, various forms of weakening and counterattacking of the Corruption Eradication Commission were carried out, some of which were the discourse on disbanding the Corruption Eradication Commission, revisions to the Corruption Eradication Commission Law, Judicial Review (Material Review) of the Corruption Eradication Commission Law to the Court. Constitution, criminalization and legal manipulation of the leadership of the Corruption Eradication Commission, Siege of the Corruption Eradication Commission office, usurpation of cases handled by the Corruption Eradication Commission, blockade of the budget for the construction of the Corruption Eradication Commission building, and direct intervention in the working meeting forums of the DPR and the Corruption Eradication Commission (Febriyansyah, 2014).

In line with the above, for example, Singapore, as a country with the highest level of corruption perception index in Asia, still has an anti-corruption agency, the Corrupt Practices Investigation Bureau (CPIB), which was established in 1952 or an anti-corruption agency in Hong Kong, which has the IACC (Independent Commission Against Corruption), which was established in 1974. Even though Singapore and Hong Kong have Police and Attorney General Offices, the governments of Singapore and Hong Kong are aware that the handling of corruption must be carried out by an independent institution that is not affiliated with other institutions. It is different with the Unitary State of the Republic of Indonesia which has an anti-corruption agency called the Corruption Eradication Commission based on Law Number 30 of 2002, which currently has a new color and nuance with the emergence of Law Number 19 of 2019 as an amendment to the Law. Number 30 of 2002 concerning the Corruption Eradication Commission, which originated from the decision of the Constitutional Court a quo, vis a vis the position of the Corruption Eradication Commission on other Constitutional Court decisions in the case, Decision No. 36/PUU-XV/2017 and Decision No. 40/PUU-XV/2017, instead places the anti-corruption agency in the executive group as in Article 3 of Law No.19 of 2019.

From the description of the description between the quo ideals and facts, thus, the author considers it urgent and urgent to carry out further research and studies related to the position and position of the KPK after the Constitutional Court decision and the enactment of Law Number 19 of 2019 as amendments to Law Number 30 of 2002 concerning the Corruption Eradication Commission, which places the KPK as an institutional executive body whose implication is that it can be made the object of inquiry rights by the DPR RI. Based on the description above, the researcher is interested in raising a study entitled "Ideal Reconstruction of the Position of the Corruption Eradication Commission in the Constitutional System of the Republic of Indonesia Based on Pancasila Values of Justice". The research conducted is expected to be able to become a means of strengthening the Corruption Eradication Commission in the constitutional system and realizing the KPK's capacity to provide justice in the Republic of Indonesia.

Based on the explanation above, a study was carried out with the title "Reconstruction Of The Ideal Position Of The Corruption Eradication Commission In The Indonesian State System Based On Justice Values".

This problem is what the author urges to study further in research with the following issues:

1. What are the weaknesses in the position of the Corruption Eradication Commission in the

current constitutional system of the Republic of Indonesia?

2. What is the ideal reconstruction of the position of the Corruption Eradication Commission in the constitutional system of the Republic of Indonesia based on Pancasila?

METHOD OF RESEARCH

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge (Faisal, 2010). Paradigm also looked at the science of social as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

As for the source of research used in this study are :

1. Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

Research related to the socio-legal approach, namely research that analyzes problems is carried out by combining legal materials (which are secondary data) with primary data obtained in the field. Supported by secondary legal materials, in the form of writings by experts and legal policies.

In this study, the author use data collection techniques, namely literature study, interviews and documentation where the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data. Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions (Moleong, 2002).

RESEARCH RESULT AND DISCUSSION

1. The Weaknesses of the Corruption Eradication Commission's Position in the Republic of Indonesia's current Constitutional System

Strictly speaking, the position and position of the Corruption Eradication Commission as stated in the

Law of the Republic of Indonesia Law Number 19 of 2019 in conjunction with Law Number 30 of 2002 concerning the Corruption Eradication Commission is contained in Article 3 clearly explains if the Corruption Eradication Commission, hereinafter referred to as the Corruption Eradication Commission, is a state institution within the executive power cluster that carries out the task of preventing and eradicating Corruption Crimes.

Judging from the provisions of Law of the Republic of Indonesia Number 19 of 2019 in conjunction with Law Number 30 of 2002 concerning the Corruption Eradication Commission and Law Number 48 of 2009 concerning Judicial Power, it can be concluded that the position of the KPK is in the executive and judiciary. The two legal instruments, namely Law of the Republic Number 19 of 2019 in conjunction with Law Number 30 of 2002 concerning the Corruption Eradication Commission and Law Number 48 of 2009 concerning Judicial Power legally are the same provisions that do not contradict the Law The 1945 Constitution of the Republic of Indonesia Article 24 paragraph (2) which states that the composition and powers of the judicial bodies are regulated by law.

Law of the Republic of Indonesia Number 19 of 2019 in conjunction with Law Number 30 of 2002 concerning the Corruption Eradication Commission and Law Number 48 of 2009 concerning Judicial Power are forms of law, both of which if we refer to the provisions of the Law Law of the Republic of Indonesia Number 12 of 2011 concerning Formation of Legislation has the same position. The same position is contained in Article 7 paragraph (1).

What the author reviews at a glance are the obstacles to law enforcement, especially corruption cases from the leadership and employees of the Corruption Eradication Commission, which is another form of excess who dares to go against the grain. This is as stated by Lord Acton "power tends to be corrupted", so to prevent the possibility of abuse of power, the constitution or Basic Law was drafted and enacted. In other words, the constitution regulates the limitation of powers in the state (Thaib, 2000).

Attempts to indicate criminalization of the leaders and employees of the Corruption Eradication Commission that have occurred are the result of corruption cases being handled. Even if we think positively, it shows a form of the existence of the Corruption Eradication Commission in carrying out its main function and authority over law enforcement in the field of corruption and the real existence of the justice system. Judiciary itself is a derivation of the word fair, which is defined as impartial, impartial, or balanced, and overall justice in this case refers to a process, namely the process of creating or realizing

justice. Criminal, which in the science of criminal law (criminal scientific by law) is defined as punishment, sanctions, and or suffering given, which can interfere with the physical and physical existence of the person who is subject to the crime (Muladi & Arief, 1993).

In this case there are several main problems in the sociological aspect which are the background to the position of the Corruption Eradication Commission in carrying out its duties and functions which are very ineffective. Among these conditions are the following:

- a. A Leader of the Corruption Eradication Commission is elected by the House of Representatives of the Republic of Indonesia based on the candidate members proposed by the President of the Republic of Indonesia, the process of proposing candidates for the leadership of the Corruption Eradication Commission is from the results of the selection committee which then the President determines the elected candidate (Article 30 of Law Number 19 of 2019 concerning Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission) resulted in a return of favor, the leadership of the Corruption Eradication Commission there was a return of gratitude and tended to obey the person who voted for and proposed;
- b. The figure of the head of Corruption Eradication Commission as the head of the Corruption Eradication Commission is reciprocal and tends to obey the figure who chooses and proposes has implications for the role of the Corruption Eradication Commission which in this case is the institution it leads; 3. The competition for the selection to become the Chair of the Corruption Eradication Commission will be easier to undertake when a candidate for the leadership of the Corruption Eradication Commission has a background of closeness to the political parties that won the presidential and vice-presidential elections. This allows for the role and function of the Corruption Eradication Commission to be controlled by two parties, namely political parties and the figure of the President;
- c. The figure of the highest leadership of the Corruption Eradication Commission is 1 (one) person and 4 representatives who work collegially collectively to make it possible for the Corruption Eradication Commission's image to be less than optimal because it will be vulnerable to being influenced and intimidated by parties who have an interest. At this point, the author tries to position Vilfredo Pareto who stated that humans act based on sentimental feelings or instincts, but then they try to explain their actions based on illogical theories.

Abuse of power (abuse of authority) is principally motivated by the position of state institutions which depend on the individuals within them. The better the human resources, the better the institution. Vice versa. According to an Advocate, Nimerodi Gulo, abuse of authority in the justice system is very dangerous for the legal order in a country.

In the provisions of the Law of the Republic of Indonesia Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission leaders are elected by the People's Representative Council of the Republic of Indonesia based on the candidate members proposed by the President of the Republic Indonesia, the process of proposing candidates for the leadership of the Corruption Eradication Commission from the results of the selection committee which then the President determines the elected candidate (Article 30 of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission and the Corruption Eradication Commission is a state institution in the executive group, Article 3 of Law Number 19 of 2019.

If the leadership of the Corruption Eradication Commission is hierarchically under the President while the President himself was born from a political background, and the one who conducts the election is the People's Legislative Council of the Republic of Indonesia also has a political background, then it is undeniable and possible that every decision of the Corruption Eradication Commission Leadership will be more or less colored political party interests. In the study that has been reviewed by the author above, the Corruption Eradication Commission is a state institution in the executive branch of power that carries out the task of preventing and eradicating corruption by the law, in which the eradication of criminal acts of corruption is a series of activities to prevent and eradicate corruption through efforts to coordinate, supervise, monitor, investigate, investigate, prosecute, examine in court, with the participation of the community by statutory provisions, to avoid abuse of power. The Corruption Eradication Commission is supervised by several parties.

Legislative oversight of the Corruption Eradication Commission is carried out by the House of Representatives, executive oversight by the President of the Republic of Indonesia, internal oversight by the Directorate of Internal Oversight, public oversight by the Deputy for Public Complaints, and oversight of the media by journalists, but after the second revision of the Law on the Eradication Commission Corruption as Law Number 19 of 2019 concerning the second amendment to the Corruption Eradication Commission mandates that if there is a change in external supervision that was

previously carried out by the Ethics Committee, it is changed to be carried out by the Supervisory Board. The Supervisory Board was formed as an effort by the government to avoid public distrust and to create a system of transparency in efforts to eradicate corruption. Whereas the position of the Supervisory Board of the Corruption Eradication Commission as stated in Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission Articles 37 A to Article 37 G, and specifically stated in Government Regulation of the Republic of Indonesia Number 4 of 2020 concerning Procedures for Appointing the Chairman and Members of the Supervisory Board of the Corruption Eradication Commission, Regulation of the Corruption Eradication Commission of the Republic of Indonesia Number 7 of 2020 concerning Organization and Work Procedures of the Corruption Eradication Commission to avoid any deviation or blame the use of authority by the KPK which is controlled by the Supervisory Board as above, executive supervision by the President of the Republic of Indonesia and legislative oversight of the KPK must be carried out by the House of Representatives in carrying out its functions in accordance with the constitutional mandate.

2. Reconstruction of the Position of the Corruption Eradication Commission in the Constitutional System of the Republic of Indonesia based on Pancasila Values of Justice

In practice, the strengthening of the Corruption Eradication Commission in its position should indeed refer to a position that is synergistic with the need to create a justice system. Therefore, regarding the existence of the Corruption Eradication Commission's position in the constitutional system ideally, it should place the Corruption Eradication Commission no longer as a product of political interests, but policies that the Corruption Eradication Commission based on its position taken is ideal norms need to realize the function of prosecution mandated by law by the needs and mandates of society. Criticism of efforts to exercise the powers of the Corruption Eradication Commission is directed considering that so far the Corruption Eradication Commission has not applied it in exercising its judicial powers primarily directed at enforcing the law in corruption cases.

The position of the Corruption Eradication Commission must also be an important factor that can balance its powers which are in the middle between the executive, legislature, and judiciary. The role of the Corruption Eradication Commission is very important considering that the Corruption Eradication Commission in a constitutional position is not only a symbolic state institution but also a state institution that has a determining factor in law enforcement power, which is of course by the mandate of the 1945 Constitution in exercising sovereignty over the people.

The construction which was built by Roscoe Pound was also strengthened by Satjipto Rahardjo. In a note of thought, Satjipto Rahardjo said: both factors, the role of humans, and society, are brought to the fore so that law appears more as a field of human struggle and struggle. Law and the operation of the law should be seen in the context of the law itself. Law does not exist for oneself and one's own needs, but for humans, especially human happiness (Rahardjo, 2007).

What Roscoe Pound and Satjipto Rahardjo have stated above, is at least a form of the ideal view of a rule of law state which of course is conceptualized as prioritizing aspects of individual, social and public interests. The Corruption Eradication Commission in carrying out its functions must not only promote individual interests, but also social interests, and public interests must be the top priority in carrying out the manifestation of justice and order in society.

Efforts to reconstruct Law Number 19 of 2019 concerning the following Corruption Eradication Commission:

- a. Article 3 explains that "The Corruption Eradication Commission is a state institution in the executive power cluster which in carrying out its duties and authorities is independent and free from the influence of any power" then changed to "The Corruption Eradication Commission is a state institution in the Judiciary power family which in carrying out its duties and authorities is independent and free from the influence of any authority."
- b. Article 37 B paragraph 1 b "The Supervisory Board is in charge of: giving permission or not giving permission to Wiretapping, searches and/or confiscation" is reconstructed to be removed because the provisions in the previous article allow the space for law enforcement of the Corruption Eradication Commission to be limited by certain powers thus making the Corruption Eradication Commission Corruption is not often unable to carry out its duties and functions properly.
- c. Article 30 paragraph (1) which reads "(1) The leadership of the Corruption Eradication Commission as referred to in Article 21 paragraph (1) letter a is elected by the House of Representatives of the Republic of Indonesia based on the candidate members proposed by the President of the Republic of Indonesia". Then reconstructed with the addition of the following verses:
 - (1) The leadership of the Corruption Eradication Commission as referred to in Article 21 paragraph (1) letter a is selected by a selection committee consisting of Judicial, Government, and Community elements.
 - (2) To expedite the selection and determination of candidates for the leadership of the Corruption Eradication Commission, the government

forms a selection committee whose task is to carry out the provisions stipulated in this Law.

- (3) (2) The membership of the selection committee as referred to in paragraph (2) consists of elements from the judiciary, government, and members of society.
 - (4) After being formed, the selection committee as referred to in paragraph (3) shall announce the acceptance of candidates.
 - (5) Candidate registration is carried out within 14 (fourteen) continuous working days.
 - (6) The selection committee will announce to the public to obtain responses to the names of candidates as referred to in paragraph (4).
 - (7) The response as referred to in paragraph (6) shall be submitted to the selection committee no later than 1 (one) month from the date of the announcement.
 - (8) The selection committee determines the name of the candidate who passes the selection.
 - (9) The selection committee selects and/or determines 5 (five) prospective candidates and selects the chairman and deputy chairman and/or position needed no later than 3 months.
 - (10) The Selection Committee conveys the results of the selection committee to the President of the Republic of Indonesia. And the House of Representatives
 - (11) The People's Legislative Assembly of the Republic of Indonesia recommends the selected candidates be submitted by the selection committee to the President of the Republic of Indonesia no later than 7 (seven) working days from the date of receipt of the selection committee's report to the DPR for ratification by the President of the Republic of Indonesia as the Head of State
 - (12) The President of the Republic of Indonesia must determine the elected candidate no later than 30 (thirty) working days from the date of receipt of the recommendation letter from the leadership of the People's Representative Council of the Republic of Indonesia.
 - (13) deleted.
- d. Article 21 which explains "(1) the Corruption Eradication Commission consists of: a. Supervisory Board totaling 5 (five) people; b. Leaders of the Corruption Eradication Commission consisting of 5 (five) members of the Corruption Eradication Commission; c. Officers of the Corruption Eradication Commission". Then it was reconstructed to become "(1) the Corruption Eradication Commission consists of: a. Advisory Board; b. Leaders of the Corruption Eradication Commission consisting of 5 (five) members of the Corruption Eradication Commission; c. Employees of the Corruption Eradication Commission."

The ideal reconstruction model for the Corruption Eradication Commission in Law Number

19 of 2019 concerning the Corruption Eradication Commission is very important as an effort and form to place the Corruption Eradication Commission in an ideal position as a legal enforcer in the realm of judicial power. This reconstruction is important considering that so far the Corruption Eradication Commission has needed a function to strengthen its position and as a form of the Corruption Eradication Commission's efforts to carry out the function of law enforcement powers in the field of prevention and prosecution of criminal acts of corruption.

CONCLUSION

Based on the discussion of the problems above, it can be concluded that:

1. The position of the Corruption Eradication Commission in a juridical manner is mixed (mix position) with the addition of the second amendment to the Corruption Eradication Commission Law, namely Law No. 19 of 2019 giving a new color, apart from the Corruption Eradication Commission being included in the executive family of state institutions which has implications if The Corruption Eradication Commission can be made the object of the Right of Inquiry by the People's Legislative Assembly of the Republic of Indonesia and the position of the Supervisory Board, one of whose powers is to give a new color, includes the permitting process for the Supervisory Board in Wiretapping, searches and/or confiscations, which must be carried out The Corruption Eradication Commission and carry out its duties and authorities which will have implications for the problem of intervention, specific political interests towards the Corruption Eradication Commission that enter through the Supervisory Board. The professionalism of the Corruption Eradication Commission is currently being tested in carrying out its duties and authorities. The implications arising from such a form are that the KPK's powers in terms of law enforcement specifically for criminal acts of corruption are not running effectively and maximally. This is certainly contrary to the idea of Montesquieu who developed the concept of *trias politica* by setting up a system of government in which citizens feel their rights are more guaranteed by the existence of a system of strict separation of powers through the form of checks and balances. In other words, the presence of the Supervisory Board of the Corruption Eradication Commission as a supervisor of the performance of the Corruption Eradication Commission in the code of

ethics has legal power which is less effective and maximal as a result of the Corruption Eradication Commission in carrying out its main functions and duties with authority to grant permits or not to grant access. Wiretapping, search, and/or confiscation.

2. Reconstruction of the ideal value of the position of the Corruption Eradication Commission in the constitutional system of the Republic of Indonesia based on Pancasila values of justice is that the Corruption Eradication Commission as a special agency carries out the functions of judicial power in the field of prevention and prosecution of criminal acts of corruption that are free, independent and may not receive interference from the executive or legislative in carry out his position. Such reconstruction must also place the position of the Corruption Eradication Commission by the values of Pancasila, namely social justice for all Indonesian people, where the relevance is that the Corruption Eradication Commission's powers as law enforcers must be positioned by efforts to achieve justice with the support of the Corruption Eradication Commission's ideal position in the constitutional system of the Republic of Indonesia. To strengthen the reconstruction of values, legal reconstruction should ideally be carried out by amending several articles, namely Article 3, Article 21, Article 30, and Article 37 B paragraph (1) b, in Law No. 19 of 2019 concerning the Corruption Eradication Commission.

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